



DIRECTIVE: 8.3

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ELEVATION OF AN OFFENSE

In addition to the standard process of classifying an offense, certain elements may result in the elevation of an offense to a more serious violation. The elevation of an offense is dependent upon the evidence of intent, recklessness, or the fact that a member has been identified as a "habitual offender." As specified in Directive 8.6 (B.5.b.), it is the responsibility of the Internal Affairs Division to prefer charges for any elevated offense in the following manner. (CALEA 26.1.4)

- A. Any officer who **Intentionally** disregards the procedures set forth in this manual, the result of which brings discredit upon the department and/or any of its members, shall be subject to the punishments for a **CLASS "A" VIOLATION**.
- B. Any officer who **Recklessly** disregards the procedures set forth in this manual, the result of which causes public discredit to the department, or serious public insurgence, shall be subject to the punishments of a **CLASS "A" VIOLATION**.
- C. Any officer convicted of more than three separate similar offenses or any combination of five (5) separate offenses in any class will be classified a "habitual offender." Habitual offender status mandates accelerated punishment to the next highest punishment class from the most serious violation which in no case shall be less than the punishment of a **CLASS "C" VIOLATION**.

NOTE: For definitions of intentionally or recklessly, as they pertain to this manual, refer to Directive 8.11.

